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Letter dated 26 October 2016 from the Secretary-General addressed to the President of the Security Council

The present letter describes the events surrounding the plebiscite of 2 October 2016 in Colombia, the decisions taken since by the Government of Colombia and the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP) and my recommendations with regard to the United Nations Mission in Colombia, consistent with resolutions 2261 (2016) and 2307 (2016). I plan to present my first progress report on the activities of the Mission by 26 December 2016, at the conclusion of the initial 90 days of its 12-month mandate.

Recent developments

On 26 September 2016, following four years of peace talks in Havana, the President of Colombia and the leader of FARC-EP signed, in Cartagena, Colombia, the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace. One of the provisions of the Final Agreement was that its entry into force would be subject to a plebiscite to be conducted in accordance with modalities decided by the Constitutional Court of Colombia.

The plebiscite was held one week later, on 2 October 2016, following a one-month campaign, which, although fiercely disputed, was one of the most peaceful in the country's history. The rate of participation was very low, at 37 per cent. The "no" vote prevailed by a very small margin of 54,000 votes, or 0.15 per cent of registered voters. While the "yes" vote prevailed in many rural areas where the conflict had been most intense, the "no" vote carried the day in many cities, with the exception of Bogota, Barranquilla and Cali.

In accordance with the decision of the Constitutional Court, the outcome of the plebiscite made it legally impossible for the President to implement the Final Agreement. The Final Agreement included the Agreement on the Bilateral and Definitive Ceasefire and Cessation of Hostilities and the Laying Down of Arms, which was concluded on 23 June 2016 and whose provisions were described in my letter to the Security Council of 22 July 2016 (S/2016/643) and, in greater detail, in my report of 18 August 2016 (S/2016/729). At the same time, the Court reaffirmed the President's constitutional responsibility regarding the maintenance of public order, including negotiations with armed groups.

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Acting under his constitutional authority, on 29 August 2016, the President declared, simultaneously with FARC-EP, a definitive bilateral ceasefire and cessation of hostilities. The bilateral ceasefire and the preceding unilateral ceasefire by FARC-EP, in place since 2015, continued to hold with a very low number of incidents during the previous months as both sides and the Mission were preparing for the implementation of the provisions of the Agreement on the Ceasefire and the Laying Down of Arms. As I informed the Council in my report of 18 August, those preparations included the drafting of a number of protocols concerning the rules of the ceasefire, the functioning of a tripartite mechanism to verify the ceasefire, and the security of the members of the mechanism. The preparations also included working with the Government on the deployment of the tripartite mechanism at the national and regional levels, visiting prospective local sites, and outreach by the Mission to local communities to explain the ceasefire and the Mission's mandate.

On the afternoon of 2 October 2016, as the results of the plebiscite emerged and concerns mounted that the "no" vote could lead to a resumption of hostilities, the President of Colombia, Juan Manuel Santos Calderón, and the leader of FARC-EP, Timoleón Jiménez, reiterated the full commitment of both parties to the definitive bilateral ceasefire and cessation of hostilities in force since 29 August 2016.

Joint communiqué of 7 October 2016

On 3 October 2016, the heads of the peace negotiating teams of the Government and FARC-EP met in Havana to discuss the way forward. Their discussions resulted in a joint communiqué issued on 7 October in which the following actions were outlined: a government-led political dialogue with "no" supporters and the citizenry at large that could lead the parties to make adjustments to the Final Agreement; the design of a temporary protocol aimed at consolidating the ceasefire by establishing a clear separation of forces, rules of behaviour and the application of the tripartite mechanism referred to in resolution 2261 (2016) to consolidate the definitive bilateral ceasefire and cessation of hostilities and guarantee the security of both sides and the protection of communities in the conflict areas; and the continuation of a series of confidence-building measures that had been put in place in the course of the past year, such as humanitarian demining, crop substitution, the separation of minors from the FARC-EP ranks and the search for disappeared persons, among others.

In the same communiqué, the two parties requested the Secretary-General, and through him, the Security Council, to authorize the Mission to verify the future ceasefire protocol, as the coordinator of the tripartite mechanism. The functions fulfilled by the Mission in relation to the ceasefire protocol would be identical in nature to the functions conferred upon the Mission by resolution 2261 (2016), except for the verification of the laying down of arms by FARC-EP, which would be postponed until the successful conclusion of the political dialogue and the adoption of a new Final Agreement.

In the wake of the plebiscite, the leaders of the opposition to the Final Agreement stressed their own commitment to the achievement of peace, the paramount need to preserve the ceasefire and their support for its international verification by the Mission. President Santos initiated dialogue with groups and individuals who supported the Final Agreement and those who opposed it, including

the former President and current Senator Álvaro Uribe. At the same time, numerous peaceful demonstrations, in particular by students and young people, took place in several cities and towns in Colombia, at which participants called for the termination of the conflict and the immediate conclusion of a peace agreement. At the time of writing, most of the proposals from the leaders of the opposition had been formally tabled, and the Government had taken to Havana a package of reforms for discussion with FARC-EP. It should be noted that, while opposition leaders have directed their criticism at many of the provisions of the Final Agreement, they have not challenged the Agreement on the Ceasefire and the Laying Down of Arms or its verification by a tripartite monitoring and verification mechanism with the participation of government and FARC-EP observers and coordinated by the Mission.

Ceasefire protocol of 13 October 2016

On 13 October 2016, the two parties finalized the ceasefire protocol, with the participation of the Mission, and signed it. On 20 October, a presidential decree was issued to facilitate implementation of the protocol. What follows is a brief description of its main features and the tasks that its verification by the tripartite mechanism would entail. Those tasks are very similar to the recommended tasks described in paragraph 10 of my report of 18 August, which the Security Council authorized in its resolution 2307 (2016).

The protocol of 13 October 2016 defines a transitional separation of forces that is to serve as a bridge between the current situation, in which the deployment of FARC-EP structures is too dispersed throughout the country for the ceasefire to be reliably verified, and the separation of forces foreseen in the Agreement on the Ceasefire and the Laying Down of Arms. That Agreement provides for the eventual establishment of 27 local zones and points at which FARC-EP will ultimately gather its fighters and militias and the Mission will receive their weapons. Under that Agreement, the laying down of weapons is due to last 180 days.

The concept of separation of forces in the protocol of 13 October 2016 provides for the move by FARC-EP of its fighters and militias to between 50 and 60 temporary pre-grouping points that have yet to be finalized. The Army will redeploy its units so that there will be a minimum distance of 3 km between them and FARC-EP camps established at each temporary pre-grouping point. I should add that, under the protocol, the Government is responsible for providing logistical support to the temporary pre-grouping points. That will be a major factor in ensuring the sustainability of the ceasefire. During the first 30 days after the signing of the protocol, that responsibility will rest with FARC-EP.

Under the protocol, the two parties will observe the rules agreed upon on 5 August 2016 and referred to in paragraph 3 of my report of 18 August, including commitments to refrain from a series of acts that could lead to armed confrontation and to refrain from any violence or threat of violence that may put the civilian population at risk, in particular acts motivated by gender, and a commitment to the security of all members of the tripartite mechanism who will verify the agreement, including the Mission's observers.

The verification of the protocol will also follow along the lines indicated in my report of 18 August 2016. The Mission will be part of and coordinate the tripartite mechanism, with the participation of Government and FARC-EP observers. Since the issuance of my report, the mechanism has been established in Bogota and in six of its eight regional headquarters. Over the coming weeks, it will deploy to the remaining two regional headquarters and will initiate deployment to the 27 local headquarters.

The difference between the verification of the protocol of 13 October 2016 and the modalities for verification described in my report of 18 August lies in the fact that the temporary pre-grouping points and the Army units deployed in their vicinity are not adjacent to the 27 local headquarters of the monitoring and verification mechanism. Verification of the separation of forces and compliance with the ceasefire rules will therefore entail periodic visits from those local headquarters to areas whose size, including the temporary pre-grouping points, the 3 km-wide security zone and the areas of military unit operations, will be larger than initially envisaged.

The basic tasks of the Mission will be identical to those described in paragraph 10 of my report of 18 August 2016, namely: (a) organizing the operations of the mechanism, taking into account the coordination of tasks, threat analysis and logistical requirements; (b) monitoring the local sites and visiting the FARC-EP camps; (c) monitoring the security zones and visiting redeployed army units; and (d) visiting neighbouring population centres in order to interact with the local population and authorities. The last task is one of the key functions of the civilian component of the Mission at the local level.

The security of the members of the Mission will continue to be the responsibility of the Government of Colombia. The commitment of both the Government and FARC-EP to the security of the members of the Mission was reiterated in the joint communiqué of 7 October 2016, along with an invitation to countries that have contributed observers to continue deploying their men and women under the United Nations flag. The National Police of Colombia will continue to assume responsibility for the security of the monitoring and verification mechanism and the Mission at large. A special unit has been established for that purpose. The Department of Safety and Security will continue to provide operational support and advice relating to the Mission's security management system, policies and procedures, in close cooperation with the Colombian authorities.

To fulfil the tasks required for the verification of the protocol of 13 October 2016, the structure of the Mission will remain as described in paragraphs 16 to 32 of my report of 18 August and approved by the Security Council in its resolution 2307 (2016). Pending the entry into force of provisions regarding the laying down of arms by FARC-EP, about 400 observers will be required, which is less than the 450 initially foreseen, on the understanding that the additional 50 will be needed when the laying down of arms begins. The 400 observers will require increased logistical efforts as they will be covering a larger number of sites. Expenses relating to the laying down of arms will be deferred until that process begins. Overall, there is no anticipated increase in the resources required to implement activities under the protocol.

In addition, since the structure, composition and deployment of the tripartite mechanism remain the same, the recommendation in paragraph 36 of my report of 18 August 2016 relating to sharing the cost of activating and operating the mechanism, endorsed by the Security Council in its resolution 2307 (2016), stands. The support referred to in paragraph 2 of that resolution will be provided when the preparation of the zones and points for the laying down of arms by FARC-EP takes place.

Observations

The verification of the transitional separation of forces is viable from a technical standpoint. It is also viable because both sides are genuinely committed to it. It may come as a surprise that, in the middle of the political crisis that challenged the validity of the Final Agreement, the two parties, particularly FARC-EP, were able to agree so quickly to a separation of forces, which reflects a clear intention to bring the conflict to a definitive end. It also reflects the high level of confidence that has been built over the years of negotiations in Havana and the positive interaction in the field between the Armed Forces and FARC-EP. It also stems from a conviction shared by both sides that a return to conflict would be a worst-case outcome.

The determination not to return to conflict is not exclusive to the two sides. It has permeated the statements made by both opponents and supporters of the Agreement and the slogans of those who have marched peacefully through the streets of Colombia. If anything, the commitment to peace across the country has emerged stronger and more vocal from the plebiscite, thus strengthening the consensus around the presence of the Mission.

From that perspective, it is significant and promising that, following two years of exploratory talks, the Government and another armed group, the National Liberation Army (ELN), announced in the Bolivarian Republic of Venezuela on 10 October 2016 the formal start of their negotiations, with the public phase to begin in Quito on 27 October. Let me take this opportunity to congratulate Brazil, Chile, Cuba, Ecuador, Norway and Venezuela (Bolivarian Republic of) on assuming the responsibility to support this very important new process.

The parties have agreed that verification of the new separation of forces will begin in early November 2016, after the FARC-EP members of the monitoring and verification mechanism have completed their training as observers. At the time of writing, the Mission had deployed 152 observers in the capital, Bogota, and in eight regions. Given the level of logistical preparation, it can accommodate immediately another 68 observers. That will allow the Mission to initiate verification activities with six observers and civilian staff at each local headquarters. It will be important to quickly ramp up the Mission's capacity. I take this opportunity to reiterate my gratitude to the members of the Community of Latin American and Caribbean States and other countries that have made observers available to the Mission. Their continued support in the coming weeks will be critical.

As indicated earlier, the protocol of 13 October 2016 is meant to consolidate, including through international verification, the bilateral ceasefire and cessation of hostilities declared on 29 August by the Government of Colombia and FARC-EP. It

will apply pending the entry into force of the Agreement on the Ceasefire and the Laying Down of Arms, together with the Final Agreement, which both parties are committed to modifying, through political dialogue, to reflect the outcome of the 2 October plebiscite.

That political dialogue began in the wake of the plebiscite and is ongoing at the time of writing. The Government of Colombia and FARC-EP have stressed that their goal is a dynamic process leading to adjustments, clarifications or rectifications to the Final Agreement, followed by the entry into force of a new Agreement under modalities that maximize its legitimacy.

In discussions with the Government, FARC-EP and groups in Colombia that support or oppose the Final Agreement, the Mission has insisted on the need for the ceasefire to be underpinned by a robust political process leading to a broad-based agreement as soon as possible. I have emphasized to key leaders, both publicly and privately, the need to compromise to ensure that the peace accords gain support and that the peace process does not lose momentum, with the attendant risk that what has been patiently built over the years could unravel.

I recognize the challenges inherent in reaching consensus. Political wisdom on all sides will be required to overcome the divisions that have been brought into relief by the plebiscite.

Let me emphasize that, in the current context, the relevance of the United Nations Mission in Colombia has, if anything, increased. Its presence helps to foster popular confidence that, however complex the ongoing political dialogue may be, a point of no return has been reached in the search for peace in Colombia.

The Security Council has been unanimously and steadfastly supportive of the Colombia peace process. I recommend that it grant the request of the Government of Colombia and FARC-EP that the Mission be authorized to verify implementation of the ceasefire protocol signed on 13 October 2016. As I described in the preceding paragraphs, that request is fully consistent with the mandate defined in resolution 2261 (2016) and my recommendations on the Mission's structure, tasks and size approved in resolution 2307 (2016).

I should be grateful if the authorization would be granted as soon as possible so as to enable the Mission to obtain from the General Assembly without delay the resources it requires to meet the high expectations of Colombian society today.

(*Signed*) **BAN** Ki-moon